

AO 106A (08/18) Application for a Warrant by Telephone or Other Reliable Electronic Means

UNITED STATES DISTRICT COURT

for the
Northern District of New York

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

A UNITED STATES POSTAL PRIORITY MAIL
PACKAGE BEARING TRACKING NUMBER
9505510336372311041928

Case No. 1:22-mj- 698-DJS

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A.

located in the Northern District of New York, there is now concealed (identify the person or describe the property to be seized):

See Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
21 U.S.C. §§ 841(a), 846	Distribution of a Controlled Substance; Conspiracy to Commit a Title 21 Offense

The application is based on these facts:
See attached affidavit.

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

TFO [Signature]
Applicant's signature

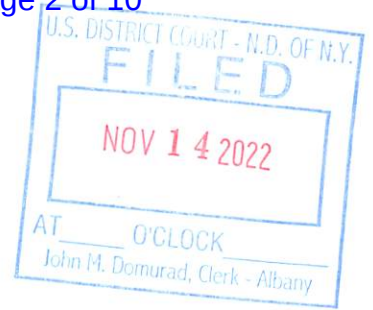
Shane Cieszynski, USPIS Task Force Officer
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
telephone (specify reliable electronic means).

Date: 11/14/2022

City and state: New York

[Signature]
Hon. Daniel J. Stewart, U.S. Magistrate Judge
Printed name and title



IN THE UNITED STATES DISTRICT COURT
FOR NORTHERN DISTRICT OF NEW YORK

IN THE MATTER OF THE SEARCH OF A
UNITED STATES POSTAL PRIORITY
MAIL EXPRESS PACKAGE BEARING
TRACKING NUMBER
9505510336372311041928

Case No. *1:22-mj-698-DJS*

Filed Under Seal

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT

I, **Shane Cieszynski**, being duly sworn, depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Detective with the City of Schenectady Police Department, and have been employed as a police officer since January 2006. I have been assigned to the Detective Division Special Investigations Unit since September of 2012, primarily responsible for handling Narcotics investigations. In February of 2021 I was further assigned to the United States Postal Inspection Service (USPIS) Task Force and was deputized as a federal Task Force Officer. In that capacity, I am assigned to the USPIS Boston Division, Troy Domicile. I have an associate degree in Criminal Justice from Schenectady County Community College. In July 2006, I graduated from the Zone Five Regional Law Enforcement Training Academy located in Schenectady, NY. I attended a Task Force Officer training hosted by the U.S. Postal Inspection Service in February of 2021 and received training in investigating the use of the U.S. Mail to transport controlled substances. Based upon my training in law enforcement and the training and experience of Inspectors more senior to me, I am familiar with the methods and techniques used by traffickers of illegal narcotics and pharmaceuticals to transport controlled substances and the proceeds related to the sale of controlled substances via the U.S. Mail and avoid detection by the USPIS.

2. I am an "investigative or law enforcement officer" of the United States within the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States

who is empowered by law to conduct investigations and to make arrests for offenses enumerated in Title 21, United States Code, Section 801, *et. seq.*, and Title 18, United States Code, Section 2516 which relate to the U.S. Mail.

3. The information contained in this affidavit is based on my knowledge and on observations made by me during the course of this investigation, on information conveyed to me by other law enforcement officers, and on my examination and review of physical evidence obtained during the investigation. I have also consulted with several other Inspectors and narcotics law enforcement officers who have extensive knowledge and experience with regard to the trafficking of controlled substances and the laundering of currency obtained from the sale of controlled substances.

4. Because this affidavit is being submitted for the limited purposes of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts which I believe establish a violation of federal law, and that evidence of that crime is presently at the location to be searched.

5. Based on the following, there is probable cause to believe that the package described below contains instrumentalities, fruits, contraband, and evidence of violations of Title 21, United States Code, Sections 841(a)(1) [Distribution of a controlled substance] and 846 [Conspiracy to Commit a Title 21 Offense], by persons unknown.

IDENTIFICATION OF THE PROPERTY TO BE SEARCHED

6. I make this affidavit in support of a Search Warrant for the following described item: A United States Postal Priority Mail Express package numbered 9505510336372311041928 (the “Suspect Package”), which is addressed to “Emilia Falcon, 2079 Watt St., Schenectady NY, 12304” with a return address of “Jorge Rodriguez, Calle 76 bloq 92 #47 Apt #2 Sierra Bayamon.”

The Suspect Package was accepted by the United States Postal Service (USPS) on November 7, 2022, in Sabana Seca, Puerto Rico for mailing. The Suspect Package was sent via USPS Priority Mail. Postage to mail the Suspect Package was paid for in cash in the amount of \$22.45. The Suspect Package weighs approximately 4 pounds, 7 ounces. The Suspect Package is currently located at the U.S. Post Office at 400 Broadway, Troy, NY 12180, which is in the Northern District of New York. photo of the Suspect Package is seen below:



PROBABLE CAUSE

Package Encountered on November 8, 2022

7. On November 8, 2022, the Suspect Package was encountered during routine profiling of inbound parcels from source areas to the Northern District of New York. The Suspect Parcel was paid for in cash which allows senders to avoid using any identification or items such

as a credit card or debit cards when sending suspected controlled substances. Based on my training and experience, this is a method used by drug traffickers to conceal their identity when mailing packages containing controlled substances.

8. The Suspect Package is also heavily taped. Through my training and experience, I am aware that individuals who traffic controlled substances through the mail often secure the seams with extra tape in an attempt to mask any potential odor created by controlled substances, as well as to help ensure that the package does not break open during transportation to its destination. The Suspect Package is taped in a manner that is consistent with parcels that contain controlled substances.

Examination of the Label Information

9. Utilizing public resources such as Google Maps, USPS Records and CLEAR, a subscription-based records database utilized by law enforcement, I learned the following:

- a. The Suspect Package is addressed to “Emilia Falcon.” I am unable to locate an individual by this name that is associated with 2079 Watt St., Schenectady, NY, 12304 in any law enforcement or public database.
- b. The name that is associated with the return address on the Suspect Package is “Jorge Rodriguez.” I am unable to locate an individual by this name that is associated with Calle 76 bloq 92 #47 Apt #2 Sierra Bayamon, Puerto Rico, 00961 in any law enforcement or public database.

10. Through my training and experience, and that of my co-workers, I am aware that drug traffickers often utilize the United States Mail to transport and distribute controlled substances. Inspectors in my office have been involved in numerous investigations related to the transportation of controlled substances, including but not limited to, cocaine, marijuana, heroin,

methamphetamine, prescription medication, and synthetic substances, all shipped via the United States Mail.

11. Through my training and experience, and discussions with Inspectors who routinely work investigations related to the trafficking of controlled substances via the U.S. Mail, I am aware that Puerto Rico is a known source area for controlled substances.

12. I am also aware that packages later discovered to contain controlled substances often use fictitious information as it relates to the sender or recipient's name, while utilizing a legitimate address. This provides individuals associated with the package the ability to disguise their relation to the package but still permit the package to be delivered to a valid address.

13. Also, based on my training and experience and discussions with my more senior coworkers, I am aware that drug traffickers who utilize the United States Mail to transport and distribute controlled substances often use legitimate names and business names to avoid being detected by law enforcement. Often, drug traffickers will utilize the name of someone who used to reside at the address in order to disguise their relationship to the package.

14. Based on my training and experience and discussions with more senior coworkers, I am aware that drug traffickers who utilize the United States Mail to transport and distribute controlled substances often ship controlled substances with packaging, shipping records, notes and correspondence, and evidence tending to identify the source of the package and the intended recipient of the parcel.

Canine Examination of the Suspect Package

15. Based on these facts, your affiant requested that Albany County Sheriff's Deputy Brandon Souza and his K-9 partner Link assist with an examination of the Suspect Package. K-9 Link and Deputy Souza are certified by the State of New York Division of Criminal Justice

Services Municipal Police Training Council until February 2023. K-9 Link is certified to detect the presence of the odor of certain narcotics, including Marijuana, Cocaine, Crack Cocaine, Methamphetamines, MDMA, and Heroin. I was informed by Deputy Souza that K-9 Link has been previously reliable in the detection of narcotics and has had narcotics seizures.


16. On November 10, 2022, your affiant met Deputy Souza and K-9 Link at the Post Office located at 400 Broadway, Troy, NY. At that time, I hid the Suspect Package in an area in the absence of K-9 Link. The Suspect Package was placed amongst several other packages and containers that were similar in size and shape. K-9 Link is trained to passively alert to suspected controlled substances. K-9 Link located the Suspect Package and laid down next to the Suspect Package. Deputy Souza informed me that K-9 Link's behavior was consistent with the manner in which he is trained to alert for the presence of the odor of controlled substances.

17. Your affiant is aware, through experience and conversations with K-9 handlers, that individuals who regularly handle controlled substances often leave the scent of controlled substances on the box, packaging materials, and other package contents they handle. Packaging materials are also often stored near the controlled substances, transferring the odor of the controlled substance to the packaging materials, contents, and parcel. Narcotics detection K-9s receive training to alert to the odor of controlled substances, and not in relation to any specific quantity.

CONCLUSION

17. There is probable cause to believe that the Suspect Package contains instrumentalities, fruits, contraband, and evidence of violations of Title 21, United States Code, Sections 841(a)(1) [Distribution of a controlled substance] and 846 [Conspiracy to Commit a Title 21 Offense], by persons unknown, and I request that a search warrant for the Suspect Package be issued.

Attested to by the affiant:



Shane A. Cieszynski
United States Postal Inspection Service
Task Force Officer

I, the Honorable Daniel J. Stewart, United States Magistrate Judge, hereby acknowledge that this affidavit was attested to by the affiant by telephone on November 14, 2022 in accordance with Rule 41 of the Federal Rules of Criminal Procedure.


Honorable Daniel J. Stewart
United States Magistrate Judge

ATTACHMENT A

Property to be Searched

The property to be searched is a United States Postal Priority Mail package numbered 9505510336372311041928 (the “Suspect Package”), which is addressed to “Emilia Falcon, 2079 Watt St, Schenectady NY, 12304” with a return address of “Jorge Rodriguez, Calle 76 bloq 92 #47 Apt #2 Sierra Bayamon, PR, 00961.” The Suspect Package was accepted by the United States Postal Service (USPS) on November 7, 2022, in Sabana Seca, Puerto Rico for mailing. A photo of the Suspect Package is seen below:



The Suspect Package is located at the U.S. Post Office at 400 Broadway, Troy, NY 12180.

ATTACHMENT B

Property to be seized

The property to be seized is all instrumentalities, fruits, contraband, and evidence of violations of Title 21, United States Code, Sections 841(a)(1) [Distribution of a Controlled Substance] and 846 [Conspiracy to Commit a Title 21 Offense], by persons unknown, including:

- a. Controlled substances;
- b. U.S. currency;
- c. Packaging, inside or affixed to the package described in Attachment A;
- d. Shipping records, inside or affixed to the package described in Attachment A;
- e. Notes and correspondence, inside or affixed to the package described in Attachment A;
- f. Evidence indicating the identity of the source of packages described in Attachment A; and
- g. Evidence indicating the identity of the intended recipient of the package described in Attachment A.
- h. Evidence indicating the sender's state of mind as it relates to the crimes under investigation.
- i. Records of customers or transaction histories.